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ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and launching of a third decade to combat racism and racial discrimination

Report of the Secretary-General

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INTRODUCTION

1. The Second Decade to Combat Racism and Racial Discrimination was proclaimed by the General Assembly in its resolution 38/14 of 22 November 1983. The Assembly approved the Programme of Action annexed to that resolution. The Assembly requsted the Economic and Social Council to take charge, with the help of the Secretary-General, of coordinating the implementation of the Programme of Action for the Decade and of evaluating the activities undertaken.

2. In its resolution 39/16 of 23 November 1984, the Assembly approved a plan of activities for the period 1985-1989 (A/39/167 and Add.1 and 2) and invited the Secretary-General to proceed immediately with its implementation. It also requested the Council to submit to it, throughout the Decade, annual reports containing, inter alia, an enumeration of activities, a review and appraisal of those activities and its suggestions and recommendations.

3. It may be recalled that the Programme of Action for the Second Decade provided, inter alia, for: action to combat apartheid; education, teaching and training; dissemination of information and the role of the mass media in combating racism and racial discrimination; measures for the promotion and protection of the human rights of persons belonging to minority groups, indigenous populations and peoples and migrant workers who are subjected to racial discrimination; recourse procedures for victims of racial discrimination; implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106A (XX), annex) and other related international instruments; national legislation and institutions, seminars and studies, action by non-governmental organizations and international cooperation.

4. The General Assembly, in its resolution 42/47 of 30 November 1987 on the Second Decade, approved a plan of activities for the period 1990-1993 which was annexed to that resolution and requested the Secretary-General to proceed with the implementation of those activities. It also requsted the Secretary-General to ensure that sufficient additional resources were included in the relevant programme budget to provide for the implementation of the activities of the Second Decade.

5. Since the adoption of the plan of activities for the Second Decade, the Secretary-General has reported regularly to the General Assembly, the Economic and Social Council and the Commission on Human Rights on the steps taken to implement the plan of activities of the Second Decade. As reflected in the annual reports, many activities under the Second Decade have been executed.

6. The Economic and Social Council, at its substantive session of 1992, adopted resolution 1992/13 on the implementation of the Programme of Action for the Second Decade. In that resolution, the Council requested the Secretary-General to continue with the implementation of the activities for the period 1990-1993 and to continue to accord the highest priority to

measures to combat apartheid. The Council further requested the Secretary-General to ensure the effective and immediate implementation of the activities proposed for the first half of the Second Decade that had not yet been undertaken.

7. In the same resolution, the Council expressed its deep concern about the prevalence of racism and racial tensions as well as the rising tide of xenophobia; it stressed the need to continue the coordination of activities undertaken by various United Nations bodies and specialized agencies for the purpose of implementing Programme of Action for the Second Decade; invited all Governments to take or continue to take all necessary measures to combat all forms of racism and racial discrimination and to support the work of the Second Decade by making contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, in order to ensure further implementation of the activities for the Second Decade.

8. In paragraph 15 of the same resolution, the Council recommended that, in 1993, the General Assembly proclaim a third decade to combat racism and racial discrimination, and in paragraph 16 it requested the Secretary-General to prepare a draft programme of action for the third decade and to submit it to the General Assembly at its forty-seventh session, taking into account, inter alia, the elements of the Programme of Action for the Second Decade that had not yet been completed.

9. The present note has been prepared pursuant to the request contained in paragraph 16 of Economic and Social Council resolution 1992/13. In order to facilitate discussion by the General Assembly of the question of proclaiming the third decade during its forty-eighth session in 1993, the Secretary-General submits the following draft proposal for the programme of action for the third decade, taking into account the activities of the Second Decade which have been implemented and those which are outstanding for the period 1985 to 1989, as well as for the period 1990-1993.

I. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION 1983-1993

10. The Programme of Action of the Second Decade and the two plans of activities approved by the Assembly contain a variety of objectives to be attained and numerous suggestions for specific activities.

11. Particular consideration was given to the organization of international and regional seminars, the preparation and publication of studies and the submission of annual reports to the various United Nations organs involved in the work of the Decade. In this context, reference is made to the accomplished activities detailed in the following paragraph.

12. The following seminars were held:

(a) Roundtable on international legal issues relating to apartheid, racism and racial discrimination (The Hague, 4-6 September 1985) (no report was issued);

(b) International seminar on international assistance and support to peoples and movements struggling against colonialism, racism and racial discrimination and apartheid (Yaoundé, 28 April-9 May 1986) (ST/HR/SER.A/19);

(c) International seminar on community relations commissions and their functions (Geneva, 9-20 September 1985) (ST/HR/SER.A/17);

(d) Training course on the preparation of national legislation to combat racism and racial discrimination (New York, 8-18 September 1987) (E/1988/10);

(e) Global consultation on racism and racial discrimination (Geneva, 3-6 October 1988) (Human Rights Fact Sheet No. 5);

(f) Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States (Geneva, 16-20 January 1989) (E/CN.4/1989/22);

(g) Seminar on cultural dialogue between the countries of origin and the host countries of migrant workers (Athens, 18-26 September 1989) (E/CN.4/1990/50);

(h) Seminar on political, historical, economic, social and cultural factors contributing to racism and racial discrimination and apartheid (Geneva, 10-14 December 1990) (E/CN.4/1991/63 and Add.1);

(i) Meeting of experts to review the experience of countries in the operation of schemes of internal self-government for indigenous peoples (Nuuk, Greenland, 24-28 September 1991) (E/CN.4/1992/42 and Add.1).

13. The following publications and studies were issued:

(a) Study on the achievements made and obstacles encountered during the First and Second Decades (E/CN.4/Sub.2/1989/8 and Add.1);

(b) Global compilation of national legislation against racism and racial discrimination (HR/PUB/1990/8);

(c) Study on the role of private group action to combat racism and racial discrimination (A/41/550);

(d) Study on the effects of racial discrimination in the field of education, training and employment as it affects the children of minorities, especially those of migrant workers (A/42/49).

14. All the activities of the first half of the Second Decade have so far been completed except for the following studies which will be completed before

the end of the Decade in 1993: (a) model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination. A draft text has been submitted to the Committee on the Elimination of Racial Discrimination for observation and comments; (b) a handbook of recourse procedures for victims of racism and racial discrimination.

15. Various activities are still outstanding with regard to the implementation of the programme for the second half of the Decade owing to a lack of resources. Although these activities were incorporated in the regular work programme of the Centre for Human Rights, not all the activities could be carried out.

16. These activities included the organization of several regional and international seminars and workshops on the adoption of legislation to combat racism; a study of community relations commissions and their functions; meetings of experts on teaching materials to combat racism; international campaigns to remove the main obstacles to the full eradication of racism, racial discrimination and apartheid; and a seminar to assess experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Also to be included were the preparation of a study on the treatment of political prisoners and detainees in South Africa, particularly women and children and the undertaking of two global surveys, one on the extent to which the children of migrant workers are able to receive education in their mother tongue and the other on the dissemination of the Convention.

17. The activities referred to above could be integrated into the proposed programme of action of the third decade to combat racism and racial discrimination.

II. STATUS OF THE VOLUNTARY TRUST FUND FOR THE PROGRAMME FOR THE DECADE

18. Pursuant to paragraph 17 of the Programme for the first Decade for Action to Combat Racism and Racial Discrimination, which was approved by the General Assembly in its resolution 3057 (XXVIII) of 2 November 1973, the trust fund for the implementation of the programme for the Decade was established. Contributions to the Voluntary Fund have been scarce despite the repeated appeals by the Secretary-General throughout the Decade. The status of the Fund since the adoption of the Plan of Activities for the Second Decade is annexed to the present document.

III. PROPOSED ELEMENTS OF A DRAFT PROGRAMME OF ACTION FOR A THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION 1993-2003

19. It is suggested that the goals and objectives of the third decade be those adopted by the Assembly for the first Decade and contained in the annex to General Assembly resolution 3057 (XVIII):

> "The ultimate goals of the Decade are to promote human rights and fundamental freedoms for all, without distinction of any kind on grounds of race, colour, descent or national or ethnic origin, especially by eradicating racial prejudice, racism and racial discrimination; to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on mutual espousal of racism and racial discrimination; to resist any policy and practices which lead to the strengthening of the racist regimes and contribute to the sustainment of racism and racial discrimination; to identify, isolate and dispel the fallacious and mythical beliefs, policies and practices that contribute to racism and racial discrimination; and to put an end to racist regimes."

20. In drawing up suggested elements for the programme of action for the third decade, account has been taken of the fact that current global economic conditions have caused many Member States to call for budgetary restraint, which in turn requires a conservative approach to the number and type of programme for action which may be considered at this time. The Secretary-General also took into account the relevant suggestions made by the Committee on the Elimination of Racial Discrimination at its forty-first session. The elements presented below are suggested as those which are essential, should resources be made available to implement them.

A. Action to combat apartheid

21. Recently, there have been signs of change in South Africa, notably the abolition of such legal pillars of apartheid as the Group Areas Act, the Land Areas Act and the Population Registration Act. Although there is reason to be hopeful that South Africa is moving into the mainstream of the international community, the transition period may prove to be difficult and dangerous. Fierce political competition between political parties and ethnic groups has already led to bloodshed.

22. Action will be needed to rectify the consequences of apartheid in South Africa. The policy of apartheid has entailed the use of State power to increase inequalities between racial groups. The knowledge and experience of human rights bodies dealing with racial discrimination could play a significant role in promoting equality.

23. The General Assembly may wish to examine the best way to monitor apartheid in transition and initiate a mechanism to advise and assist the

parties concerned to bring an end to this abhorrent regime not only in law but also in fact. Reference should be made to Security Council resolution 765 (1992) urging the South African authorities to bring an effective end to the violence and bring those responsible to justice.

24. The Assembly may also wish to continue to examine the relevant work undertaken by the established United Nations bodies in the fight against apartheid, i.e. the Special Committee against Apartheid; the Group of Three and the Ad Hoc Working Group of Experts on southern Africa.

25. The Centre for Human Rights could offer technical assistance in the field of human rights to South Africa during and after the transition period. A cycle of seminars on apartheid could be envisaged, in cooperation with the specialized agencies and United Nations secretariat units concerned, which could include the following:

(a) Seminar on apartheid and children, in cooperation with UNICEF;

(b) Seminar on apartheid and the rights of workers, in cooperation with ILO;

(c) Seminar on apartheid and public health, in cooperation with WHO;

(d) Seminar on apartheid, education and culture, in cooperation with UNESCO;

(e) Seminar on affirmative action for a non-racial society in South Africa.

26. An inter-agency meeting could be convened immediately after the proclamation of the third decade, in 1994, to plan for the workshops and other activities.

B. Action at the international level

27. During the discussion in the Economic and Social Council at its substantive session of 1992 on the Second Decade, many delegations expressed their concerned at regard to new expressions of racism, racial discrimination, intolerance and xenophobia in various parts of the world.

28. The manifestation of racist myths may be overt, as with the obvious example of apartheid, or they may be less evident as is the case with some employment, housing, immigration and asylum policies which tend to impact most negatively on people who are distinguishable ethnically or by nationality. There is a general awareness of the new expressions of racism and racial discrimination affecting minorities, ethnic groups, migrant workers, indigenous populations, gypsies, immigrants and refugees.

29. The biggest contribution to the elimination of racial discrimination will be that which results from the actions of States within their own territories. International action undertaken as part of any programme for the third decade should therefore be directed so as to assist States to act effectively. The International Convention on the Elimination of All Forms of Racial Discrimination has established standards for States, and every opportunity should be seized to ensure that these are universally accepted and applied.

30. The Assembly could consider more effective action to ensure that all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination fulfil their reporting and financial obligations. National action against racism and racial discrimination could be monitored and improved by requesting an expert member of the Committee to prepare a report on obstacles encountered with respect to the effective implementation of the Convention by States parties and suggestions for remedial measures.

31. The Assembly may wish to propose the holding of regional workshops and seminars. A team from the Committee should be invited to monitor these meetings. The following themes are suggested for the seminars:

(a) Seminar to assess the experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The seminar would also assess the efficiency of national legislation and recourse procedures available to victims of racism;

(b) Seminar on the eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in them;

(c) Seminar on the right to equal treatment before tribunals and by institutions, including the provision of reparation for damages suffered as a result of discrimination;

(d) Seminar on the transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

(e) Seminar on international cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies;

(f) Seminar on the enactment of national legislation to combat racism and racial discrimination affecting ethnic groups, migrant workers and refugees (in Europe and North America);

(g) Workshop on flows of refugees due to ethnic conflicts or political restructuring of multi-ethnic societies in socio-economic transition (Eastern Europe, Africa and Asia);

(h) Training course on national legislation prohibiting racial discrimination for nationals from countries with and without such legislation;

(i) Regional seminars on ethnicity, nation-building and human rights could also provide an opportunity for broadening knowledge of the causes of today's ethnic conflicts, and the participants could look for ways and means of solving them.

32. The Assembly may wish to propose to the Department of Public Information of the United Nations Secretariat to undertake specific activities that could be carried out by Governments and relevant national non-governmental organizations to commemorate the International Day for the Elimination of Racial Discrimination on 21 March each year. Support should be sought from artists as well as religious leaders, trade unions, enterprises and political parties to sensitize the population on the evils of racism and racial discrimination.

33. In cooperation with UNESCO and the Department of Public Information, the Assembly could support the organization of a seminar on the role of mass media in combating or disseminating racist ideas.

34. In cooperation with ILO, the possibility of organizing a seminar on the role of trade unions in combating racism and racial discrimination in employment could be explored.

35. The General Assembly could consider requesting UNESCO to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education.

36. The Assembly may also wish to call upon Member States to make special efforts to:

(a) Promote the aim of non-discrimination in all educational programmes and policies;

(b) Give special attention to the civic education of teachers. It is essential that teachers be aware of the principles and essential content of the legal texts relevant to racism and racial discrimination and of how to deal with the problem of relations between children belonging to different communities;

(c) Teach contemporary history at an early age, presenting children with an accurate picture of the crimes committed by fascist and other totalitarian regimes, and more particularly of the crimes of apartheid and genocide;

(d) Ensure that curricula and textbooks reflect anti-racist principles and promote intercultural education.

C. Action at the national and regional levels

37. The following questions may be addressed in the context of action to be undertaken at the national and regional levels: Have there been any successful national models to eliminate racism and racial prejudices that could be recommended to States, e.g. for educating children, or principles of equality to tackle racism against migrant workers, ethnic minorities, indigenous peoples, etc.? What kind of affirmative action programmes are there at the national or regional level to redress discrimination against specific groups?

38. The General Assembly may wish to call upon States that have not yet done so to adopt, ratify and implement legislation prohibiting racism and racial discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

39. The Assembly could call upon Member States to review their national programmes to combat racial discrimination and its effects in order to identify and to seize opportunities to close gaps between different groups, and especially to undertake housing, educational and employment programmes that have proved to be successful in combating racial discrimination and xenophobia.

40. The Assembly could recommend that Member States encourage the participation of journalists and human rights advocates from minority groups and communities in the mass media. Radio and television programmes should increase the number of broadcasts produced by and in cooperation with racial and cultural minority groups. Multicultural activities of the media should also be encouraged where they can contribute to the suppression of racism and xenophobia.

41. The Assembly may wish to call upon regional organizations to cooperate closely with United Nations efforts in combating racism and racial discrimination. Intergovernmental organizations dealing with human rights issues could mobilize public opinion in their regions against the evils of racism and racial prejudices directed towards disadvantaged racial and ethnic groups. These institutions could serve an important function in assisting Governments to enact national legislation against racial discrimination and promote adoption and application of international conventions. Regional human rights commissions should be called upon to publicize widely basic texts on existing human rights instruments.

D. Basic research and studies

42. The long-term viability of the United Nations programme against racism and racial discrimination will depend in part on continuing research into the causes of racism and into the new manifestations of racism and racial discrimination. The Assembly may wish to examine the importance of preparing studies on racism. Following are some aspects to be studied:

(a) Study of the application of article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination. Such a study might assist States to learn from one another the national measures undertaken to implement the Convention;

(b) Integration or preservation of cultural identity in a multiracial society;

(c) Study of political rights, including the participation of various racial groups in political processes and their representation in government service;

(d) Study of civil rights, including migration, nationality, freedom of opinion and association;

(e) Study of educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

(f) Global integration and the question of racism and the nation State;

(g) National mechanisms against racism and racial discrimination in the fields of immigration, employment, salary, housing, education and ownership of property.

E. Coordination and reporting

43. It may be relevant to recall that in its resolution proclaiming the Second Decade the Assembly charged the Economic and Social Council with coordinating the implementation of the programme and evaluating the activities. The Assembly may wish to consider the following steps to strengthen the United Nations input into the third decade to combat racism and racial discrimination:

(a) The General Assembly may wish to entrust the Economic and Social Council or the Commission on Human Rights, in cooperation with the Secretary-General, with the responsibility for coordinating the programmes and evaluating the activities undertaken in connection with the third decade;

(b) The Secretary-General could be invited to provide specific information on activities against racism, to be contained in one annual report which would be comprehensive in nature and allow a general overview of all mandated activities. This would facilitate coordination and evaluation;

(c) An open-ended working group of the Commission on Human Rights, or other appropriate arrangements under the Commission, may be established to review decade-related information, on the basis of annual reports referred to above, as well as relevant studies and reports of seminars, so as to assist the Commission in formulating appropriate recommendations to the Economic and Social Council on particular activities, allocation of priorities, etc.

F. Regular system-wide consultations

44. On an annual basis, consultations between the United Nations, specialized agencies and non-governmental organizations would take place to review and plan decade-related activities. In this framework, the Centre for Human Rights would organize inter-agency meetings to consider and discuss further measures to strengthen the coordination and cooperation of programmes related to the issues of combating racism and racial discrimination.

45. The Centre for Human Rights would also strengthen the relationship with non-governmental organizations fighting against racism and racial discrimination by holding consultations and briefings with the non-governmental organizations. Such meetings could help them to initiate, develop and present proposals regarding the struggle against racism and racial discrimination.

46. Should the Assembly approve the suggested elements of the programme for action for the third decade to combat racism and racial discrimination, the Secretary-General would include the activities to be carried out during the decade, as well as the related resource requirements in the proposed programme budgets, which will be submitted biennially, during the decade, starting with the proposed programme budget for the biennium 1994-1995.

Annex

TRUST FUND FOR THE PROGRAMME OF THE SECOND DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

Government contributions received since inception up to 7 August 1991

(United States dollars)

Country	1985	1986	1987	1988	1989	1990	1991
Austria	-	1 000 a/	-	-	-	-	-
Bahamas	-	-	500	500	-	-	-
Bangladesh	-	-	1 000	-	-	-	-
Belgium	1 500 a/	-	-	-	-	-	-
Cameroon	-	2 711	-	-	906	-	-
Canada	-	2 000	-	-	-	-	-
China	-	-	10 000	-	-	-	-
Denmark	8 000 a/	-	-	-	-	-	-
Finland	5 000	-	-	-	-	-	-
Germany, Federal Republic of	4 000 a/	-	-	-	-	-	-
India	-	-	10 000	-	-	-	-
Indonesia	-	-	-	-	2 500	-	-
Italy	-	4 000 a/	-	10 000	-	-	-
Jamaica	-	-	-	-	500	-	-
Japan	-	10 000	10 000	10 000	10 000	10 000 d/	10 000
Libyan Arab Jamahiriya	-	-	-	-	10 000	-	-
Luxembourg	-	-	-	-	-	-	5 934
Netherlands	-	5 000	-	-	-	-	-
Norway	10 000 b/	10 000	-	-	-	-	-
Republic of Korea	-	-	-	-	3 000	-	-
Spain	1 000 a/	-	-	-	-	-	-
Swaziland	-	-	-	-	760 c/	-	-
Sweden	5 000 a/	-	-	-	-	-	-
Syrian Arab Repbulic	-	-	1 000	-	-	-	-
Tunisia	-	-	-	-	-	2 000	-
	34 500	34 711	32 500	20 500	27 666	12 000	15 934

(Footnotes on following page)

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(Footnotes to table)

Note: There are no outstanding pledges for this Trust Fund.

a/ Earmarked for the Media Round Table in Europe in 1985 concerning international legal issues relating to apartheid, racism and racial discrimination.

b/ Of this amount, $6,000 were earmarked for the Media Round Table in Europe in 1985.

c/ Payment received in full settlement of the pledge of $2,000 for 1987.

d/ Contribution for the year 1990 received during 1991.

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RIGHT OF PEOPLES TO SELF-DETERMINATION

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 46/87 of 16 December 1991, the General Assembly, inter alia, called upon all States to implement fully and faithfully all the relevant resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination; reaffirmed the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation in all its forms and by all available means; reaffirmed that the practice of using mercenaries against sovereign States and national liberation movements constituted a criminal act and called upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General; expressed its appreciation for the material and other forms of assistance that peoples under colonial rule continued to receive from Governments, organizations of the United Nations system and other intergovernmental organizations, and called for a substantial increase in that assistance; and decided to consider the question at its forty-seventh session under the item entitled "Right of peoples to self-determination".

2. In its resolution 46/88 of 16 December 1991, the General Assembly, inter alia, reaffirmed that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination was a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights; requested the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation; and requested the Secretary-General to report on that issue to the Assembly at its forty-seventh session under the item entitled "Right of peoples to self-determination".

3. By its resolution 46/89, also of 16 December 1991, the General Assembly, inter alia urged all States to take the necessary steps to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, were not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation.

4. Accordingly, the Secretary-General, in a note verbale dated 10 June 1992, invited all States to communicate to him any relevant information they might wish to submit for inclusion in the report he was requested to prepare

pursuant to paragraph 6 of Assembly resolution 46/88 and paragraph 25 of resolution 46/87. As at 1 September 1992, only one reply had been received. Any additional replies will be reproduced in an addendum to the present document.

II. SUMMARY OF ACTION TAKEN BY THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-EIGHTH SESSION AND BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS SUBSTANTIVE SESSION OF 1992

5. At its forty-eighth session held in January and March 1992, the Commission on Human Rights considered the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" at its 3rd to 7th and at its 27th, 37th and 47th meetings. The debates are reported in the relevant summary records (E/CN.4/1992/SR.3-7, 27, 37 and 47). The Commission adopted four resolutions and one decision, which related to the situation in occupied Palestine (resolution 1992/4), the situation in Afghanistan (resolution 1992/5), the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (resolution 1992/6), the question of Western Sahara (1992/18) and the situation in Cambodia (decision 1992/102).

6. At its substantive session of 1992, the Economic and Social Council, by its decision 1992/225 of 20 July 1992, after having taken note of Commission on Human Rights resolution 1992/6 on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, approved the Commission's decision to extend the mandate of the Special Rapporteur for three years, and also approved the Commission's request to the Special Rapporteur to report to the Commission at its forty-ninth session.

III. REPLIES RECEIVED FROM GOVERNMENTS

CUBA

[Original: Spanish]

[27 July 1992]

1. At the inception of the United Nations, recognition of the inalienable right of peoples to self-determination and respect for national sovereignty had already been established as guiding principles for its formation and development. Since then, one of the main tasks of the United Nations has been to promote the right of peoples to self-determination as enshrined in its Charter.

2. The Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in its historic resolution 1514 (XV) of 14 December 1960, was a landmark in this endeavour.

3. Subsequent resolutions of the General Assembly have reaffirmed this right, prominent among them resolution 2625 (XXV) of 24 October 1970 by which the Assembly approved and proclaimed the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

4. The cornerstones of the international legal order established after the Second World War are the right of all States to the full exercise of national sovereignty and of all peoples to self-determination, without foreign interference or intervention in matters essentially within the internal jurisdiction of States.

5. The changes in contemporary international relations which have resulted in a world dominated, in the political and military spheres, by one Power - the United States of America - make it more crucial than ever before to promote the defence of the above-mentioned principles and of other principles essential for the maintenance of international peace and security, such as the sovereign equality of States, the peaceful settlement of international disputes and the non-use of force or the threat of force or coercion.

6. Under various pretexts that have absolutely nothing to do with international law, attempts are now being made to assert an alleged uniformity among the clearly very diverse States and peoples that make up the international community and to impose a new type of relations in which the principles of sovereignty and national independence, won by the heroic struggle of peoples for their national liberation, are distorted, if not ignored. The purpose of such attempts is to establish a dangerous doctrine of limited sovereignty, which is reflected in notions such as the right of interference promoted under the pretext of emergency humanitarian assistance or so-called electoral assistance.

7. The Organization's efforts must be focused on eradicating, by the end of the century, the colonialism that still oppresses a number of peoples and territories.

8. In the Americas for instance, the situation of the island of Puerto Rico, whose people, to this day, have been denied the right to independence, is still cause for concern. As an inalienable part of the Americas, we demand Puerto Rico's right to be one of the free peoples of the world.

9. Turning to southern Africa, despite some encouraging changes in South Africa, the international community must intensify its efforts for the total and final elimination of apartheid in order to establish a majority government there.

10. In the Middle East, the Palestinian people has for over 40 years been denied the right to live in its own State. There can be no lasting peace until Israel withdraws from all the Arab and Palestinian territories occupied since 1967 and until the Palestinian people recovers its inalienable rights, particularly its right to the establishment and recognition of its own State.